

0-678-0477/3

14 MAR 1978

MEMORANDUM FOR: Deputy Director for Administration

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Civil Service Reform Bill of 1978

REFERENCE : Draft copy of the subject Bill

1. Attached is a summarization by Title, Chapter and Section, of the Civil Service Reform Bill of 1978.

2. This is an amending Bill for numerous chapters and sections of Title 5, U.S. Code, and necessary exemptions for CIA are required in each of the pertinent parts. The specific items for which we recommend exemptions be sought are marked in red on the summarization and are listed herein for easy reference.

A. Title I, Section 101 - Inserts new Chapter 23 in Title 5, U.S. Code. The exemption in this title as now written applies only to Section 2301, Merit Principles. We recommend the Agency ask for an exemption from the entire Chapter 23, Principles, Prohibited Practices and GAO audit.

B. Title II, Section 201 - Revised Chapter 11 establishes functions of the Office of Personnel Management; no exceptions are noted. Defer to OGC if new wording in Chapter 11 would require an exemption for CIA.

C. Title II, Section 202 - Inserts new Chapter 12 in Title 5, U.S.C., establishing Merit Systems Protection Board and Special Counsel. As drafted there are no exemptions. Recommend CIA be exempted from Chapter 12 on security basis . . . protection of names, et al.

D. Title V, Section 501 - Establishes a new Part III of Title 5, Merit Pay, to replace the within-grade and comparability pay for supervisors in grades GS 13-15. Recommend CIA request exemption from Part III as inclusion would abrogate the Director's statutory authority to establish pay systems to meet the needs of the Agency. Exemption

... permit Agency to adopt the system if it is found feasible, albeit is designed for the "rank in position" Civil Service system viz the Agency's modified "rank in person" management system.

E. Title VI, Section 601 - Adds a new Chapter 47 to Title 5, U.S.C., for Research, Demonstration and Other Programs. Recommend Agency request exemption from Chapter 47 to avoid possible conflict with OPM requirements to evaluate personnel management research or development projects in CIA.

3. After the review of the draft Bill was completed, a copy of H.R. 11280 was received which appears to be the same as the draft Bill commented on herein.

(Signed) F. W. M. Janney

F. W. M. Janney

Att.

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ROUTING AND RECORD SHEET

OLC 78 487/3

SUBJECT: (Optional)

Civil Service Reform Bill of 1978

FROM:

Assistant for Information, DDA
7D-02, Hqs.

EXTENSION

NO.

DDA 78-0545/7

DATE

20 March 1978

TO: (Officer designation, room number, and building)

DATE

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OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Legislative Counsel

ATTN:

The attached comments have been prepared by the Office of Personnel on the Civil Service Reform Bill of 1978 identifying the specific items for which exemptions should be sought. The comments should be of use to OLC in its continuing dialogue with OMB and the CSC on this subject. I think we are in agreement that in articulating the need for CIA exemption from these provisions of law, we must emphasize that we are seeking exemption from the mechanics of the law and not that we are rejecting the principles (of merit, EEO, etc.) which the new legislation is designed to enhance.

Att: a/s